



Fair Political Practices Commission

428 J Street, Suite 620, Sacramento, CA 95814

www.fppc.ca.gov

NEWS ADVISORY

For Immediate Release:
December 3, 2003

Contact: Sigrid Bathen
(916) 322-7761

Judge denies Connerly, ACRC motion to dismiss FPPC suit *FPPC seeks disclosure of identity of donors to failed Prop. 54 campaign*

Sacramento Superior Court Judge Thomas M. Cecil has denied a motion to dismiss a lawsuit filed by the Fair Political Practices Commission against the American Civil Rights Coalition (ACRC) and its CEO, Ward Connerly, for violating campaign disclosure laws in the unsuccessful campaign for passage of Proposition 54 on the Nov. 7 recall ballot.

Cecil on Monday (Dec. 1) affirmed a tentative ruling issued Nov. 20, the day before a Superior Court hearing on the Connerly/ACRC motion to strike. In the ruling, the judge said ACRC did not set the hearing date in a timely manner, and ruled that the motion to strike does not apply to an FPPC enforcement action. He also ruled that the enforcement action is not unconstitutional, as contended by ACRC.

"We are very pleased with the judge's ruling in this case," said Commission Chair Liane Randolph. "We can now move forward with the case and try to obtain the disclosure that the public deserves."

Steven Russo, chief of the FPPC's Enforcement Division, also praised the ruling. He said ACRC and Connerly left the agency "with no other option" than to file suit to compel their compliance with the law, after efforts to seek voluntary compliance were unsuccessful.

ACRC today (Dec. 3) filed a notice of appeal in the Superior Court that it plans to appeal the ruling to the 3rd District Court of Appeal in Sacramento.

No time has been set for a hearing on the lawsuit, which was filed by the FPPC Sept. 3. The commission alleged in the suit that ACRC and Connerly violated disclosure laws by failing to file campaign statements reporting the source of almost \$2 million contributed to promote passage of Prop. 54, which was defeated in the November recall election. The judge earlier declined to issue a preliminary injunction before the election, as the FPPC requested.

The FPPC contends that ACRC contributed more than \$1.9 million to the Proposition 54 committee since 2001 – or approximately 88 percent of all of the contributions received by the committee. Based on information the commission received from Connerly, the FPPC contends ACRC received the contributions from various donors. The organization is required by the

-more-

2-2-2-2

Political Reform Act to disclose in campaign reports the identities of those donors. ACRC and Connerly have refused to file statements disclosing these contributors, leaving voters without any information about who financed the campaign in behalf of the initiative.

The FPPC investigation was in response to a 2002 complaint by Common Cause and other organizations against ACRC.

Legal documents in the case, including the Superior Court ruling, are available on the FPPC website at www.fppc.ca.gov, under “litigation” on the home page.

###